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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SECOND DAY OF JULY,
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 11007 of 2004

Between:

Shankar Goud,S/o Yaadaiah Goud, aged 39 years Occ: Sarpanch, Grampanchayat,
Jawaharnagar of Shameerpet (M)Ranga Reddy District.

..... PETITIONER

AND

1. The Collector (Panchayat Wing)Ranga Reddy District.
- 2 The State of A.P. Rep by Secretary to the Govt.,
Panchayat Raj & Rural Dev.Dept. Secretariat Building, Hyderabad.
- 3 The Commissioner, Panchayat Raj & Rural Development , A.P. Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of certiorari calling for the records and Quash the impugned orders of the 1st Respondent in Proc. No. B2/1034/2000 dt. 22-6-2004 as highly illegal, arbitrary and to pass such other order or orders as this Hon'ble Court may deem Fit and proper in the circumstances of the case.

For the Petitioner: MRS.S.NANDA, Advocate.

For the Respondent : GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the admission stage made the Following :

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THE HONOURABLE SRI JUSTICE N.V.RAMANA

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WRIT PETITION NO.11007 OF 2004

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ORDER:

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This writ petition is filed challenging the impugned order dated 22.6.2004 in Proceedings No.B2/1034/2000 of the 1st respondent, wherein the petitioner herein was removed from the post of Sarpanch of Jawaharnagar village of Shameerpet mandal under the provisions of Section 249(1) of A.P. Panchayat Raj Act, 1994.

The case of the petitioner in brief is that he was appointed as Sarpanch of Jawaharnagar village on 14.8.2001 and since then he is continuing in the said capacity. While so, on 15.5.2004 a show-cause notice was issued to him, alleging misappropriation of gram panchayat funds and directing him to submit his explanation within 15 days. The petitioner, vide letter dated 28.5.2004 requested the District Panchayat Officer, Ranga Reddy District to furnish copies of certain relevant documents of the Gram Panchayat, so as to enable him to answer the charges levelled against him. It is his further case that without considering his request and without providing reasonable time and opportunity, the impugned order of his removal was issued. Aggrieved by the same, he filed the present writ petition.

According to the learned counsel for the petitioner without giving reasonable opportunity to the petitioner and without even providing the copies of the records, which are necessary to answer the allegations made in the show-cause notice dated 15.5.2004, the present impugned order is passed and the same is unsustainable.

On behalf of the respondent, learned Government Pleader submits that there is an effective remedy of appeal provided under Section 249(7) of the A.P. Panchayat Raj Act, 1994 and the petitioner without availing such a remedy, has rushed to this Court.

Since, a statutory appeal lies against the impugned order, both the counsel agreed for disposal of the writ petition with the following direction.

The petitioner is at liberty to file an appeal, under Section 249(7) of the A.P. Panchayat Raj Act, 1994 raising all his contentions. On filing such an appeal, the appellate authority is directed to examine all the contentions raised by the petitioner, including non-providing of relevant records to the petitioner, and pass appropriate orders in accordance with law, as expeditiously as possible.

With the above direction, the writ petition is disposed of. No costs.

N.V.RAMANA, J

Dt.02.7.2004.

Mdaa/tvk

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Collector (Panchayat Wing)Ranga Reddy District.
2. The Secretary to the Govt., State of A.P.,
Panchayat Raj & Rural Dev.Dept., Secretariat Building, Hdyyerabad.
3. The Commissioner, Panchayat Raj & Rural Development , A.P. Hyderabad.
4. 2CCs to G.P.for Panchayat Raj, High Court of A.P.,
High Court building, Hyderabad(OUT)
5. 2CD copies